

### **REMARKS**

As an initial matter, Applicant gratefully acknowledges that claims 83, 87, 88, 90, 101 and 102 have been found allowable by the Dr. Lukton.

Claims 82, 89, 91-100, 104-108, 110 and 111 have been canceled. Each of the canceled claims have been redrafted as new claims 115-134, respectively. Support for the new claims can be found throughout the specification including the claims as filed originally. No new matter is being added by virtue of the new claims.

New claim 115 is the same as canceled claim 82 except that the new claim includes the elected species: H-Tyr-Gly-Gly-Phe-Leu- Lys<sub>6</sub>-OH (SEQ ID NO: 11). Remaining claims 116-134 are essentially the same as claims 89, 91-100, 104-108, 110 and 111, respectively, except that the dependency has been changed to reflect dependence on allowed claim 83 and new claim 115.

Applicant believes entry of new claims 115-134 is in full compliance with 37 CFR 1.116 and MPEP 714.2.

For instance, consideration of the claims at this time will place the case in better condition for an allowance or appeal. Moreover, the new claims were not presented earlier because only in the present Action has the Office taken the position that claim 82 (and pending claims dependent thereon) are withdrawn from consideration. It is noted that claim 82 (formerly known as claim 68) and claims dependent thereon have already undergone extensive prosecution before the USPTO. Thus it is not believed that consideration of new claim 115 (and claims dependent thereon) will be pose any undue burden on Office resources.

### **35 USC §112, second paragraph**

Claim 109 stands rejected as being indefinite. The rejection has been addressed by this submission ie., claim 109 has been canceled. New claim 132 has been written in independent form. Reconsideration and withdrawal of the rejection are respectfully requested.

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Early consideration and allowance of the above-captioned application are respectfully requested. The USPTO is authorized to charge our deposit account 04-1104 for any fees needed to consider this submission.

Respectfully submitted,



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